(4)

SINGLE BENCH

C.D. 1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 1578 /2005

PETITIONER

Santosh Kumar Kashyap, aged about 32 years, son of Shri Ratan Lal Kashyap, occupation – Nil (educated unemployed) resident of village Pandrikhurd, Tah Kishungarh, Tah. Pandariya, Distt. Kabeerdham (CG)

P.R. No. 1548/05
Presented by Shri ... H. 15. ...
dated 11-04-05

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through = the Secretary, Department of Education, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. The Collector, Kabeerdham (CG)

3. The Chief Executive Officer, Janpad Panchayat – Pandariya, Distt. Kabeerdham (CG)

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA.

01 PARTICULARS ABOUT THE PETITIONER

XI-HC-22

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1578/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-4-2005

Mr. Rajeev Shrivastava, counsel for the petitioner.

Mr. Bhaskar Pyasi, Panel Lawyer for the State/respondents No.1 and 2.

Heard both the counsel.

The petitioner has preferred this writ petition under Articles 226 & 227 of the Constitution of India, with the averments that in the academic session 1994-95 he was appointed as Shiksha Karmi Grade-III in Village: Pendrikhurd, however, in spite of the fact that he was entitled for continuation for next session, but, some how the petitioner was not appointed, therefore, he preferred W.P.No.5209/1997 before the erstwhile High Court of Madhya Pradesh, Jabalpur, and the said petition was disposed of vide order dated 19-12-1997 observing that,

> "In view of the order passed in Writ Petition No.2003 of 1997 in the case of Upendra Kumar Verma Vs. State of M.P. and another, on 25-7-1997, this petition is disposed of only with a direction to the respondents that if the petitioners apply for the post of Shiksha Karmi for the academic session 1997-98, their candidature be considered with due regard to their past experience and performance, if any, on the said post in the previous academic sessions."

Thereafter, the petitioner moved an application (Annexure P-2) for consideration of his appointment on the post of Shiksha Karmi Grade-

(पीछे देखिये)

XI-HC-22

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1578/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

III. However, the petitioner has not been appointed since then. Ultimately, the Chief Executive Officer, Janpad Panchayat: Pandariya, vide order dated 25/29-11-2004 has informed the petitioner that his case for consideration of appointment as Shiksha Karmi in pursuance of the Court's order in W.P.No.5209/1997 be treated as closed.

Learned counsel for the petitioner submits that since 1997-98 no appointments are being made in Janpad Panchayat: Pandariya on account of some enquiry, therefore, the petitioner has not got any chance for appointment in pursuance of the Court's order. Learned counsel further submits that a similar direction be issued to the respondents to consider the case of the petitioner, if any appointments are made and this has become necessitated on account of the impugned order Annexure P-4 passed by the Chief Executive Officer, Janpad Panchayat: Pandariya.

Having heard learned counsel for the parties, having perused the earlier order and record, and having considered the submission made by learned counsel for the petitioner, I am of the opinion that it would be just, proper and fair to allow the petitioner to apply for the post of Shiksha Karmi Grade-III to respondent No.3, in case any appointments are made on the said post. In the circumstances, respondent No.3 is directed that in case appointment for the post Shiksha Karmi Grade-III are to be made, the petitioner be allowed to apply for the post of Shiksha Karmi Grade-III and his case for appointment shall be

(पीछे देखिये)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1578 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

considered, if he is eligible for that post, looking to his past service record and also other relevant aspects for appointment, in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.1231/2005 and I.A.No.3062/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma